

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 3399 of 2007(D)

PETITIONER:

1. K.K.SURYANARAYANAN,
ASSISTANT ENGINEER (CIVIL),
K.S.E.B.,K.A.DIVISION,
THARIYODU, WAYANAD DISTRICT.
2. M.P.DAVIS, ASSISTANT ENGINEER (CIVIL),
K.S.E.B., N.E.S, PAMBLA,
THATTEKANNI P.O., IDUKKI DISTRICT.

BY ADV. DR.K.P.SATHEESAN

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
(K.S.E.B. IN SHORT) REP. BY ITS SECRETARY,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.
2. THE CHIEF ENGINEER (H.R.M),
K.S.E.B., PATTOM, THIRUVANANTHAPURAM.

BY SC SRI.K.S.ANIL KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.3399 of 2007

Dated this the 5th day of February, 2007

JUDGMENT

The petitioners are working as Assistant Engineers (Civil) in the service of the respondent Board. They are diploma holders. For promotion to the post of Assistant Executive Engineers, the rules governing the service conditions prescribe a ratio of 3:1 between degree and diploma holders. The petitioners submit that they are fully qualified and entitled to be considered for promotion to the post of Assistant Executive Engineers and that despite sufficient number of vacancies exist to accommodate the diploma holders, the respondents have not done anything to promote them. In fact, the ground urged in the writ petition would show that the respondents have failed to maintain the ratio in the matter of appointment of Assistant Executive Engineers between degree and diploma holders and that has resulted in injustice to the petitioners.

2. The first petitioner has filed Ext.P7 representation before the second respondent bringing to the notice of that respondent the above facts and requesting him to promote him. It is asserted that there are 32 vacancies which could be earmarked for diploma holders and that

as on today, there is not even a single diploma holder in the cadre of Assistant Executive Engineer though the rules provide a fixed percentage of diploma holders to satisfy the cadre strength.

3. I have heard the Legal Liaison Officer for the respondent Board.

4. In the light of the facts pleaded by the petitioners, it is the duty of the second respondent to consider the request made by them and take appropriate decision in accordance with the rules governing appointment to the post of Assistant Executive Engineers. There is also a duty cast on the respondents to see that the request of the petitioners is considered without delay.

5. There shall be an order directing the second respondent to consider Ext.P7 and pass orders thereon, in accordance with law, within one month from the date of receipt of a copy of the judgment. The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for information and compliance.

K.K.DENESAN, JUDGE

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